IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

WP(C).No. 17726 of 2007(I)

PETITIONER:

P.T.JOHNSON, MANAGING PARTNER,
THOMSON INDUSTRIES, THAZHEKKADU-680697,
THRISSUR DISTRICT.

BY ADV.SRI.V.GIRI
ADV. SRI.JIJO PAUL

RESPONDENTS:
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1. ALUR GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY,
P.O.KALLETTUMKARA, THRISSUR DISTRICT.

ADDITIONAL RESPONDENT

2. MAHESH.T.V, AGED 29 YEARS
S/O VELAYUDHAN, THESSERY HOUSE
THAZHEKKAD VILLAGE, DESOM
MUKUNDAPURAM

Impleaded vide order dated 18-06-2007 in I.A.NO.7930/07

BY ADV. SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE
SRI.P.K.SAJEEV, SC.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	**TRUE COPY OF THE CONSENT TO ESTABLISH ISSUED BY THE KSPCB IN FAVOUR OF THOMASON INDUSTRIES DTD. 12-3-07.**
EXT.P2	**TRUE COPY OF THE PHOTOGRAPHS SHOWING THE STAGE OF CONSTRUCTION AND THE NATURE AND LIFE OF THE PROPERTY.**
EXT.P3	**TRUE COPY OF THE NOTICE ISSUED BY THE RESPONDENT TO THE PETITIONER.**
EXT.P4	**TRUE COPY OF THE REPLY SUBMITTED BY THE PETITIONER TO THE RESPONDENT IN REPLY TO EXT.P3 NOTICE.**

RESPONDENT'S EXHIBITS

EXT.R2(A)	**TRUE COPY OF THE LAWYER NOTICE DTD. 2-6-07**
EXT.R2(B)	**TRUE COPY OF THE REPLY NOTICE DTD. 5-6-2007**

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

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W.P.(C).No. 17726 OF 2007

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Dated this the 18th day of June, 2007

JUDGMENT

Petitioner has approached this court on the following brief allegations:

Petitioner commenced construction of a building for the purpose of starting a plastic bag manufacturing unit. 100 employees are employed in the construction. The work is being done by a contractor from Tamil Nadu with workers largely brought from Tamil Nadu. Ext.P2 photographs indicate the stage of construction. Large quantities of iron railings required for the construction of the tress of the roof and other construction materials are stocked in the premises. Petitioner has obtained Ext.P1 consent to establish from the Kerala State Pollution Control Board and written consent from the property owners within 100 meters of the unit. The unit, when completed will employ more

than 100 workers. Ext.P3 is the stop memo issued to the petitioner by the Panchayat. Petitioner submitted Ext.P4 praying for withdrawal of the order.

2. I heard learned counsel for the petitioner, learned counsel appearing for the Panchayat and the learned counsel appearing for the additional respondent also.

3. I find no reason to quash Ext.P3. Ext.P3 is the stop memo issued calling upon the petitioner to stop the construction of the building for which permission is required under section 233 of the Act. Then learned counsel for the petitioner submits that it may be true that permission may be required, but the construction being exposed to the elements it would cause more injury if permission is not granted to proceed with the same. Learned counsel for the Panchayat and the learned counsel appearing for the additional respondent submits that petitioner is a person who has proceeded without applying and obtaining permission under Section 233 which is impermissible.

Learned counsel for the additional respondent submits that in fact petitioner had appeared in mediation talks on 14/06/2007 and he had assured that he will produce the required documents within two weeks. Learned counsel for the panchayat would submit that the outer limit of 60 is fixed for considering the application. It is submitted by the learned counsel for the petitioner that petitioner has submitted a proper application on 07/06/2007. Learned counsel for the Panchayat further submits that Section 233 speaks about certain reports to be obtained from certain statutory authorities and inspection by the local body before granting permission. Learned counsel for the Panchayat submits that the local authority will not delay in considering the application when all the required documents are produced before it. Learned counsel for the petitioner submits that a decision may be ordered to be taken on Ext.P4 in view of all the facts.

4. I record the submission of the learned counsel for

the respondent Panchayat that Panchayat will take a decision on the application seeking permission under section 233 in accordance with law as expeditiously as possible and not insisting on expiry of the statutory period of 60 days. In other words I understand the submission of the learned counsel for the Panchayat to be that the Panchayat will take a decision without undue procrastination.

There will be direction to the respondent Panchayat to take a decision on Ext.P4 strictly in accordance with law within a period of ten days from today.

(K.M.JOSEPH, JUDGE)

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